



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: December 13, 2016

DATE: November 18, 2016
TO: Board of County Commissioners
FROM: Don C. Jeppson, County Building Official
Community Services Department, 328-2030, dcjeppson@washoecounty.us
THROUGH: Dave Solaro, Arch., P.E., Director
Community Services Department, 328-3600, dsolaro@washoecounty.us
SUBJECT: Hearing and possible action to conduct a second reading and adopt an ordinance amending Chapter 100 of the Washoe County Code by adding thereto a new section 100.102.7 exempting certain structures known as "hoop houses" or "high tunnels" from the building code, and providing other matters necessarily connected therewith and pertaining thereto. (All Commission Districts.)

SUMMARY

Hold a public hearing and take possible action to adopt an ordinance amending the Washoe County Building Code to exempt agricultural hoop houses and high tunnels from the Building Code.

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

PREVIOUS ACTION

On March 8, 2016, the Board of County Commissioners (Board) held discussion and gave policy direction to staff to amend Washoe County Code Chapter 100 (Washoe County Building Code) and Washoe County Code Chapter 110 (Washoe County Development Code) to waive or remove existing requirements specific to agricultural hoop houses, including adding a specific definition of an agricultural hoop house structure, and possibly exempting agricultural hoop house structures from the requirements of the building code.

On April 26, 2016, the Board held discussion and directed staff to: (1) initiate amendments to Washoe County Code Chapter 100 (Washoe County Building Code), agricultural hoop houses, by adding new definitions and by specifying that the Building Code does not apply to agricultural hoop houses; (2) initiate amendments to Washoe County Code Chapter 110 (Washoe County Development Code), agricultural hoop houses allowed without permits; (3) incorporate policy direction related to the amendments that was provided by the Board on March 8, 2016; and (4), directed the County Clerk to submit the request to appropriate county personnel and the District Attorney for

AGENDA ITEM #

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preparation of a proposed ordinance, pursuant to Washoe County Code Section 2.030 and 2.040.

On September 6, 2016, the Washoe County Planning Commission unanimously recommended approval of DCA16-006 by Resolution Number 16-15, amending Washoe County Code Chapter 110 (Development Code) within Article 306, Accessory Uses and Structures, at Section 110.306.10, Detached Accessory Structures to add regulations governing the establishment of agricultural hoop houses and high tunnels, including the requirement to meet detached accessory structure placement standards and height limitations for the applicable regulatory zone, but exempting them from general lot coverage limitations; within Article 902, Definitions, at Section 110.902.15, General Definitions to add a definition for “Hoop House/High Tunnel.”

On October 11, 2016, the Board introduced and conducted a first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 306, Accessory Uses and Structures, at Section 110.306.10, Detached Accessory Structures to add regulations governing the establishment of agricultural hoop houses and high tunnels, including requiring them to meet detached accessory structure placement standards and height limitations for the applicable regulatory zone, but exempting them from general lot coverage limitations; within Article 902, Definitions, at Section 110.902.15, General Definitions to add a definition for “Hoop House/High Tunnel”; and set the public hearing for second reading and possible adoption of the Ordinance for November 15, 2016.

On November 15, 2016, the Board adopted Ordinance No. 1587 amending Washoe County Code Chapter 110 (Development Code) within Article 306, Accessory Uses and Structures, at Section 110.306.10, Detached Accessory Structures to add regulations governing the establishment of agricultural hoop houses and high tunnels, including requiring them to meet detached accessory structure placement standards and height limitations for the applicable regulatory zone, but exempting them from general lot coverage limitations; within Article 902, Definitions, at Section 110.902.15, General Definitions to add a definition for “Hoop House/High Tunnel.”

On November 15, 2016, the Board introduced and conducted the first reading of an ordinance amending Chapter 100 of the Washoe County Code by adding a new section 100.102.7 exempting certain structures known as “hoop houses” or “high tunnels” from the building code and set a public hearing for December 13, 2016.

BACKGROUND

Agricultural hoop houses and high tunnels are used to protect crops from the elements and extend the growing season in our region. Per a request from the Board, hoop houses are exempted from requiring a building permit. However, they are currently still required to meet minimum life safety requirements for wind, snow and seismic loading. Amendments to the Development Code will define hoop houses and high tunnels so that they can subsequently be exempted from certain standards. An amendment to the Washoe County Building Code has been developed which allow for hoop houses and high tunnels to be exempted from building permits and structural requirements.

The proposed Building Code amendment will provide for the following changes:
Section 100.105.1 of the Washoe County Code is hereby amended by adding the following exception:

Exception: “Hoop houses” or “high tunnels” used exclusively for the production or storage of live plants shall be exempt from the permit requirements of this code if it meets all the criteria for hoop houses as outlined in WCC Chapter 110.

The adopted Development Code amendments provided for the following changes:

- Section 110.902.15, *General Definitions* – add a definition for “hoop house/high tunnel” that was created with feedback from local experts in the use of hoop houses and high tunnels.
- Section 110.306.10, *Detached Accessory Structures* – create a new sub-section identifying that agricultural hoop houses and high tunnels are exempt from lot coverage limitations, are subject to the same placement standards as detached accessory structures, and are limited in height by the applicable regulatory zone.

FISCAL IMPACT

The proposed code changes are not expected to increase costs. This ordinance is exempt from the Business Impact Statement pursuant to NRS 237.060 (2)(c).

RECOMMENDATION

It is recommended that the Board of County Commissioners hold a second reading of an ordinance amending Chapter 100 of the Washoe County Code by adding thereto a new section 100.102.7 exempting certain structures known as “hoop houses” or “high tunnels” from the building code and providing other matters necessarily connected therewith and pertaining thereto.

POSSIBLE MOTION

Should the Board agree with staff’s recommendation, a possible motion would be: “Move to adopt ordinance number (insert ordinance number as provided by the County Clerk) amending Washoe County Code Chapter 100 of the Washoe County Code by adding thereto a new section 100.102.7 exempting certain structures known as “hoop houses” or “high tunnels” from the building code.”

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETED LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

SUMMARY: An ordinance amending Chapter 100 of the Washoe County Code by adding thereto a new sub-section 100.102.7 exempting certain structures known as "hoop houses" or "high tunnels" from the building code, and providing other matters necessarily connected therewith and pertaining thereto.

BILL NO. 1772

ORDINANCE NO. _____

TITLE:

AN ORDINANCE AMENDING CHAPTER 100 OF THE WASHOE COUNTY CODE BY ADDING THERETO A NEW SUB-SECTION 100.102.7 EXEMPTING CERTAIN STRUCTURES KNOWN AS "HOOP HOUSES" OR "HIGH TUNNELS" FROM THE BUILDING CODE, AND PROVIDING OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

WHEREAS:

- A. Pursuant to Washoe County Code (WCC) 2.030, the Washoe County Commission initiated the proposed amendments to WCC Chapter 100, Building Code, on April 26, 2016; the amendments and this ordinance were drafted in conjunction with the District Attorney; and,
- B. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Board of County Commissioners desires to adopt this Ordinance; and
- C. This Board of County Commissioners has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, and is therefore not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DOES HEREBY ORDAIN:

SECTION 1 Section 100.102 of the Washoe County Building Code is hereby amended by adding the following subsection thereto:

100.102.7 Exempted structures. This code, including but not limited to any permitting requirements, does not apply to "hoop houses" or "high tunnels," as defined in section 110.902.15 of the Washoe County Development Code, used exclusively for the production or storage of live plants if they meet all the criteria for hoop houses or high tunnels as outlined in Chapter 110 of the Washoe County Development Code.

SECTION 2. General Terms

1. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and the officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Proposed on _____ (month) _____ (day), _____ (year).

Proposed by Commissioner _____.

Passed _____ (month) _____ (day), _____ (year).

Vote:

Ayes: Commissioners _____

Nays: Commissioners _____

Absent: Commissioners _____

Attest:

County Clerk

Chair of the Board

This ordinance shall be in force and effect from and after the _____
day of the month of _____ of the year _____.